

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition
for Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition
for Local Exchange Service

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
PROVIDING FOR MEDIATION OF PARTIES' DISUPUTE**

This ruling sets forth a process for mediation of the dispute brought by Pac-West Telecomm, Inc. in its motion filed November 15, 2004, concerning an interconnection-related issue with SureWest Telephone. Each of the contesting parties has been contacted by Administrative Law Judge (ALJ) John Thorson as a representative of the Commission's Administrative Law Judge Division alternative dispute resolution (ADR) process. ALJ Thorson explained the ADR process that is available through the Commission to make sure both parties are fully informed concerning their options. The ADR process provides the services of a neutral third-party mediator to be appointed by the ALJ Division to facilitate a mediated resolution of parties' disputes.

Based on my consultation with ALJ Thorson, it has been determined that one mediation session should be scheduled, limited to three hours and convened at the Commission, for the purpose of facilitating a resolution of the parties'

dispute. Each of the contesting parties to this dispute shall confirm whether they are willing to participate in this mediation session by sending a message by e-mail to ALJ Philip Weismehl (psw@cpuc.ca.gov). Upon confirmation by each of the contesting parties of their willingness to participate, a neutral third-party mediator shall be assigned to meet with the parties. The assigned mediator will subsequently contact each of the parties to schedule the time and any other arrangements for the mediation session. At the conclusion of the mediation session, the mediator shall inform the assigned ALJ as to whether the dispute has been resolved, or what further action the parties choose to pursue. Any information disclosed during the course of the mediation is confidential and shall not be disclosed to the assigned ALJ or any other persons, absent the consent of all parties.

IT IS RULED that:

1. Each of the parties to this dispute shall promptly confirm by e-mail to ALJ Philip Weismehl (psw@cpuc.ca.gov) as to whether they are mutually willing to participate in a mediation session, limited to three hours, to seek resolution of their pending dispute.
2. Upon confirmation of the contesting parties' willingness to participate, a neutral third-party mediator shall be assigned to meet with the parties as a means of resolving the dispute, or at least narrowing and focusing the essential points of disagreement.
3. The assigned mediator will subsequently contact each of the parties to schedule the time and any other arrangements for the mediation session.

4. At the conclusion of the mediation session, the mediator shall inform the assigned ALJ as to whether the dispute has been resolved, or what further action the parties choose to pursue. Any information disclosed during the course of the mediation is confidential and shall not be disclosed to the assigned ALJ or any other persons, absent the consent of all parties.

Dated May 10, 2005, at San Francisco, California.

/s Thomas R. Pulsifer
Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of Administrative Law Judge's Ruling Providing for Mediation of Parties' Dispute by using the following service:

☒ E-Mail Service: sending the entire document as an attachment to all known parties of record who have provided electronic mail addresses.

☐ U.S. Mail Service: mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Dated May 10, 2005, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.